

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION FOR)	ORDER FOR AND NOTICE
ELECTRICAL SERVICE BY DAKOTA TURKEY)	OF HEARING
GROWERS, LLC TO HAVE DAKOTA ENERGY)	
COOPERATIVE, INC. ASSIGNED AS ITS)	EL04-032
ELECTRIC PROVIDER IN THE SERVICE AREA)	
OF NORTHWESTERN ENERGY)	

On October 18, 2004, the South Dakota Public Utilities Commission (Commission) received a petition (Petition) from Dakota Turkey Growers, LLC (Dakota Turkey Growers) for approval of Dakota Energy Cooperative, Inc. (Dakota Energy) to provide its electric service. The petition requests that the Public Utilities Commission assign Dakota Energy as the supplier of electrical service to the Dakota Turkey Growers processing facility. The Petition states that Dakota Turkey Growers is constructing and will operate a turkey processing plant at a site located in the NE 1/4 of Section 4, Township 110 North, Range 6 West, in Beadle County, South Dakota, approximately one and one-half miles east of Huron, South Dakota, on the south side of Highway 14 (Plant), that the site of the Plant is within the assigned service area of NorthWestern Corporation d/b/a NorthWestern Energy (NorthWestern) and that the Plant will require electrical service of substantially more than a contracted minimum demand of 2,000 kilowatts. On October 21, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of November 5, 2004, to interested individuals and entities. On November 3, 2004, the Commission received a Petition to Intervene from NorthWestern. At a regularly scheduled meeting on November 30, 2004, the Commission voted to grant intervention to NorthWestern, and on December 10, 2004, issued the Order Granting Intervention.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-56.

A hearing will be held in this matter on February 17, 2005, beginning at 10:00 A.M., at the Crossroads Hotel and Convention Center, 100 4th Street S.W., Huron South Dakota.

The issue at the hearing is whether Dakota Turkey Growers may receive electric service for the Plant from Dakota Energy, even though the Plant is located within the assigned service territory of NorthWestern. In making its determination the Commission will consider: (i) whether Dakota Turkey Growers is a "new customer;" (ii) whether the site of the Plant is a "new location;" (iii) whether the Plant is to be "located outside municipalities as the boundaries thereof existed on March 21, 1975;" and (iv) whether the Plant will require electric service with a contracted minimum demand of two thousand kilowatts or more. If the Plant meets the foregoing criteria, the Commission will consider the following factors set forth in SDCL 49-34A-56 in determining whether to permit the alternative service:

- (1) The electric service requirements of the load to be served;
- (2) The availability of an adequate power supply;
- (3) The development or improvement of the electric system of the utility seeking to provide the electric service, including the economic factors relating thereto;

- (4) The proximity of adequate facilities from which electric service of the type required may be delivered;
- (5) The preference of the customer;
- (6) Any and all pertinent factors affecting the ability of the utility to furnish adequate electric service to fulfill customers' requirements.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. Corporate parties must be represented by an attorney. All persons testifying will be subject to cross-examination by the parties. These rights and other due process rights will be forfeited if not exercised at the hearing. If a party or its attorney fails to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence received, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission will determine whether Dakota Turkey Growers can take its electric service for the Plant from Dakota Energy. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether Dakota Turkey Growers may take its electric service for the Plant from Dakota Energy.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 13th day of January, 2005.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

GARY HANSON, Chairman

ROBERT K. SAHR, Commissioner

DUSTIN M. JOHNSON, Commissioner